

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
Northern DIVISION

Sanel W. pf

(Enter the full name of the Plaintiff[s] in this action)

vs.

Edmonds County
Highway Department

(Enter the full name of ALL Defendant[s] in this

action. Fed. R. Civ. P. 10(a) requires that the
caption of the complaint include the names of all
the parties. Merely listing one party and "et al." is
insufficient. Please attach additional sheets if
necessary.)

Case No. CV 18-1023
(To be assigned by
Clerk of District Court)

COMPLAINT

- I. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitution provisions, if you know them. Fed .R .Civ. P. 8(a)(1) requires a short and plain statement of the grounds for the court's jurisdiction.):

Wrongfull termination of my job

II. Plaintiff, Janet Wipf resides at

PO Box 253
(street address)
Roscoe, Edmonds,
(city) (county)
SD, 57471, 605-281-0066
(state) (zip) (telephone number)

(If more than one plaintiff, provide the same information for each plaintiff below)

III. Defendant, Edmonds County Highway Dept resides at, or its business is located at

PO Box 38
(street address)
Irwin, Edmonds,
(city) (county)
SD, 57451, 605-426-6761
(state) (zip) (telephone number)

(If more than one defendant, provide the same information for each defendant below)

Answers to Question 3

**Intake Report For Employment Discrimination
Filed by Janet Wipf**

I applied for the position of Blade Operator on approximately March 1, 2016 and had my interview for this position around April 13, 2016. At the time of the job interview for the Blade Operator position I was offered the Weed Position instead, which I did agree to accept the change in position. On May 2, 2016 I was hired by the Edmunds County Highway Department for the Weed position. The county commissioner Bob Olsen came to Lenny Uhrich the Highway Dept Superintendent on May 3, 2016 and told him to put the weed position back in the paper because they were going to have to let me go as they had not done the background check prior to employment. He stated the main concern was my driving record, that I had speeding tickets and that the insurance company would not insure me. I asked Lenny to call Bob while I was sitting there. First lie from Bob Olsen, representing the commissioners, "the main concern was my driving record, she had speeding tickets and their insurance would go up if she was hired". He had not even called the insurance company to find out for sure if there was going to be a problem. At 6:00 that night, May 3, 2016, Lenny called me at home and said I could keep my position, but Bob told Lenny and Lenny told me, that if I get one speeding ticket in the 6 month probation period that they would release me. I wish to clarify that there were tickets on my record but they were way back and nothing in the current three year period! I then completed the pesticide training to get my license that was a requirement of the weed position.

When I started my first spray application on May 9, 2016 Dale Preszler went with me for two days to get me familiarized with the equipment and chemicals. At the end of the two days Dale told me that he was done helping me and that I was on my own. I said "your just going to throw me to the wolves?" He said "Yes, that the county took his pay away and that he was done helping me!" He did not complete my training and all that I learned after that date I learned on my own. When I was let go Lenny told Chris he had to spray and then he told Dale to help him he said no problem.

On June 30, 2016 I had to spray for mosquitos, Lenny told Dale that he had to go with me to show me how to use the chemical and equipment. He refused! I did call Dale and he said that he would not go. Dale did explain to me over the phone how to use the sprayer. But he basically refused a direct order from his supervisor and I was basically left to sink or swim. Lenny told me to have Jonathon Wipf help, because he also has an applicator license. I called him and told him what Lenny said about coming with me so he can learn how to do it, but he said no not my job. I went and did it myself and was successful in completing the task I was assigned on that day, with no complaints from anyone. When the 2016 spray season was complete Lenny told me that there were no complaints and that I did a great job.

When the spraying was done I was moved to street repair and was put on the steel faced roller packing patches for a month. I was told by my co workers that I was doing a great job. When the patching was complete they moved me to chipper resealing roads. I ran the levers and directed the trucks to hook up and unhook. I was on the chipper for two months. Again, was told I was doing a great job.

After resealing was complete I proceeded to get my weed equipment winterized. I was gone one day when Chris and Rick came to the Roscoe shop where I was working on it and they took

my county pickup to the weed shed for winter storage. I was not finished with my winterizing project. The next day I asked Rick what happened to the pickup and he said that he and Chris put it in the weed shed for winter storage. I told them I was not finished with the equipment winterization and that my weed computer and paperwork were still in the pickup. When I asked why they took it they said they wanted to put it away before Victor could get his personal boat and deck furniture in the county weed shop for winter storage. Even though Victor was told by Lenny that he was to get his personal stuff out, it was not taken out, but Lenny told the Edmunds County Commissioners that the personal stuff was taken out. I have a photo of the personal belongings of Victor where stored in the shed for the winter months of 2016-2017.

The winter of 2016 & 2017 I was hauling gravel to Bernels roads. Bernel told me I was not raising my box and my pup high enough he told me to raise it all the way up and the gravel will go over my end gate so I thought that is not right so I called Lenny and told him he said don't do that you will mess something up and he said Bernel is just trying to get you in trouble because you had got him wrote up for harassing you.

I was moved to gravel hauling, driving and semi tractor with lead trailer and pup, and again was told I was doing a good job and no complaints. If the weather was not good for hauling gravel, I was told to go to the Ipswich shop to work with Jerome on maintenance of equipment. If there were any complaints of my work, I was not made aware of them, so assumed that my job performance was still in good standing.

On March 7, 2017, it was brought to my attention that the pindle hitch was bent on a trailer that I and two other people had used the same truck and trailer, Me, Bernel and Rick. The opinion was that I was the one that bent the hitch. I made round for round with the truck and trailer with another county driver, and at no point could I have bent the hitch. When Rick was driving the same truck and trailer the brakes got hot and locked up and that is when the county mechanic noticed the bent hitch. He asked the three people who had driven the truck and trailers who did it and Bernel and Rick pointed the finger at me. Bernel told Lenny that he saw me do it that when I was loaded I backed up the pile and jackknifed the rig and pushed the trailer sideways for 5 feet. Co-worker did tell Lenny that it was not possible. This event was brought to the commissioners attention.

On March 28, 2017 Rick told a co-worker that I can't lift batteries out of the blade or push the gravel pile up. How would they know they didn't give me a chance.

On April 10, 2017, I got my spray equipment from storage and got the equipment ready for the season. Of course, since the equipment was stored before I had completed my winterization properly the previous year all the tips had to be replaced. I completed this task by myself, with no issues. On April 13, 2017 Lenny told co-worker to help me get it ready, the only item I had left to do was change the oil in the spray motor, which was completed in the Roscoe shop by both of us. We later learned that Victor phoned Lenny and told him that I was just standing around and a co-worker had to do all of the work. This is not true, and Victor would not have known what was going on in the Roscoe shop, because he was not there. Bob Olson, the commissioner saw a co-worker pickup at the Roscoe shop and called Lenny to see why his pickup was in Roscoe and Lenny told him that he was there to help get the spray equipment ready for the new season. Bob told Lenny that that was BS and that I had been working on it

long enough and it should be ready. Mr. Bob Olson has no idea what kind of mess the machine was in because the winterization did not happen appropriately, so I was having to fix and repair much more then would have been necessary if some other people had not taken it upon themselves to take the pickup to storage without talking to me.

Lenny told me to call Mike Schwingler, McPherson County Weed and Pest Supervisor, 605-577-0476, to obtain the chemical formula for spraying grade raised. I showed the formula to Lenny and he said it looked good so I proceeded to spray when wind and temperatures permitted. On April 27, 2017 Lenny told me that if I could spray, get it done, no matter what it takes and told me that when I am spraying that I am my own boss and do what you have to do to get it done. On April 29, 2017, I went to mina to go spay the pump started leaking I had a new pump with me so I went to the Mina shop to replace it. I did have troubling pulling the pulley off so called a co-worker to see if he would help. He did come to the shop to help, it took two people I heated and he hammered it off he only help for about 10 to 15 minutes then I finished the rest by the time I got done the windy was blowing so I could not spray anymore so I went back to the Roscoe shop and called it a day.

On Monday, May 1st, 2017 Lenny told me that I should have waited and fixed it on Monday. He also told me that I was an asset to the county, and then

On May 2nd, 2017 I was told by Lenny that my job was terminated! The entire courthouse new of my release from my position before I did. And all of my co-Workes new also. I was told that I was not mechanically inclined and costing the county to much money \$1,800 to get the pintle hitch fixed. Ricks air vale that supplies air to the pup went bad. In doing so the breaks got overheated and wrecked the breakes. There was nothing said to Ricky about the problem. unknown to me, but evidence of black marks on the highway show that they had been locked up for awhile, so brakes and tire damage, again cost to repair unknown to me. Or they can overlook that Bernel spilling oil on the ground when off loading to fill an empty oil supply tank, or that he blew a motor up in a pickup because he never checked the oil, or that Daryl Pietz truck motor got to hot and the head cracked, and when the truck was taken to Butler in Aberdeen to be repaired they tell the the motor mounts, transmission cross members are broken and oil cooler brackets are broken and Butler told Lenny it was operator abuse. Were there any repercussion for the expense to the county? NO. Again, cost the county way more money than the pintle hitch that they are trying to accused me of recking. More examples of operator abuse of equipment: with no recourse because they are costing the county to much money:

Victor, driving T-4 Semi, damage to overlow tanks for radiator, truck got hot and cracked block. The frame on his pup was broken in four different places.

Jerome, was driving the P-10 pickup, he fell asleep and went in the ditch, hit an approach and drove back to Ipswich, with out reporting to Sheriff. Incident was later reported to Sheriff's department. these are just afew incidents that have happen why I was there.

And
Ricky not passing his drug test two years ago Lenny didn't tell Commissioners. But he still has his job and nothing ever happen to him?

There are incidents that I don't have exact dates on:

Lenny told me to order chemicals, that I had grant money that I needed to use up or I

would lose it. I was told my budget was \$20,000 and another \$700 that had to be used up. I got a list of chemicals to order, showed them to Lenny and he said it looked great and to go ahead and order it. Hey, guys it is my first year ordering chemical so I do need some guidance. The order came and it showed that I spent over my budget and Lenny was upset as he was now going to have to explain the over charge to the commissioners. Lenny, told a co-worker that I spent \$25,000 when I only had \$700 to spend. I was told I had \$20,000 and 700.00 to spend by both Lenny and the department clerk Heather. Lenny told a co-worker the chemicals I ordered have to be returned, because they don't use Roundup, but Lenny reviewed the order and approved the order before it was placed! Lenny told a co-worker that if I would have just come in to talk to him about the chemical and ordering of chemical that maybe he would have been able to save my job.

The JD Gator sat in the chemical shed for 5 years with chemical in it. The tank had developed black mold and needed to be cleaned out. Since Dale was the prior weed super viser I called Dale, the former applicator, to ask what chemical was in the tank, but he refused to tell me what was in the tank. I proceeded to clean the tank.

A commissioner told Lenny that I was killing the alfalfa in the ditches. Lenny did tell the commissioner that there was no way around that.

Sometime in April, 2017 Dale and Victor told Lenny that I had a mess out there and doesn't know what I was doing. Victor is telling co-workers that I don't know how to circulate the chemical tank, but this is an untrue statement it is one of the things that I figured out myself.

Lenny told a coworker that if I would have just come in to talk to him about the chemical and ordering of chemical that maybe he would have been able to save my job.

Lenny told Dale that he has to help my replacement sprayer, he told Lenny no, he was not going to help.

Lenny told co workers that I need to read labels, but I was told to use the receipt that was received from the McPherson county weed supervisor.

I changed the oil in the mosquito sprayer by myself. But I'm not mechanically inclined!

Chris told me two times, that women were worthless and not worth a f__k.

Ricky and Chris worked on Rickys personal pick up on county time the whole day when Lenny was gone Lenny was told nothing happened.

Bernell leaves work early with his personal pick-up and comes back to the shop at quitting time so it looks like he has been there all day.

I was told by Lenny and Chris that Bernel was wrote up because he was Constantly

Harassing me.

I was told by other co-workers that a lot of people that work at the county have been wrote up multiple time and I had no such write ups in my personal file.

In reporting this, I feel that I was wrongfully dismissed, not being mechanically inclined by being accused of costing the county to much money. What is the definition of mechanically inclined? I changed oil on equipment, I greased equipment, I looked equipment over before using it. Did I overhaul a motor? No, the county has a mechanic for that. I was hired to spray weeds. I feel that the co-workers are lying about events to get me released and that they are allowed to break, misuse and cost the county more money than me, but their positions are retained. I feel that the blame automatically went to me as the only women in the department. And last one hired. I did the job that was given to me to the best of my abilities. The county handbook says that there should be a six month employment review and an annual review, at no time was my position reviewed. I was never advised of any problems until the day Lenny let me go.

I am 52 years old this was going to be my last job I was going to retire from this job I feel this was not right what they did to me.

I feel that that since the day I was hired Bob Olson (Commissioner) and Keith Schurr (Edmunds County Auditor) have not wanted me to succeed in the position and have listened to all the lies from co-workers and never once addressed any of this with me.

Janet Wipf

June 14,2017

- IV. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

- V. Relief (State briefly and exactly what you want the Court to do for you.)

② Compensation - for Damages
that I Sustained

VI. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES [☒]

NO [☐]

B) If your answer to "A" is YES, state below the amount claimed and the reason[s] you believe you are entitled to recover such monetary damages:

\$ 419,558.40

160 Hrs Per Month x 12 months \$ 1,920 Per month
At 18.12 per hour - and that no Raises over 12 years
x 12 yrs. to Retire

VII. Do you maintain that the wrongs alleged in the complaint are continuing to occur at the present time?

YES [☐]

NO [☒]

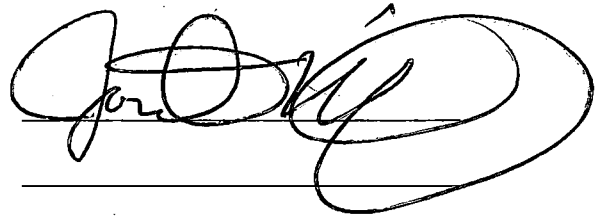
VIII. Are you requesting a Jury Trial?

YES [☐]

NO [☒]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5 day of October, 2018



Signature of Plaintiff[s]